

VZCZCXYZ0008
PP RUEHWEB

DE RUEHC #0439 1622031
ZNR UUUUU ZZH
P 112005Z JUN 09
FM SECSTATE WASHDC
TO AMEMBASSY PHNOM PENH PRIORITY 0000

UNCLAS STATE 060439

SIPDIS

E.O. 12958: N/A

TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [CB](#)
SUBJECT: CAMBODIA -- 2009 TIP REPORT: PRESS GUIDANCE AND
DEMARCHE

REF: A. (A) STATE 59732
[B.](#) (B) STATE 005577

11. This is an action cable; see paras 5 through 7 and 10.

12. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

13. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Cambodia of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Cambodia and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/not precede the Secretary's release at 10:00 am EDT on June 16.

14. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

15. Action Request: No earlier than 12 Mpm local time Monday on June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Cambodia of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

16. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be

judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of Cambodia's country narrative in the 2009 TIP Report:

CAMBODIA (TIER 2 WATCH LIST)

Cambodia is a source, transit, and destination country for men, women, and children trafficked for the purpose of commercial sexual exploitation and forced labor. Women and girls are trafficked to Thailand and Malaysia for exploitative labor as domestic workers and forced prostitution. Some Cambodian men migrate willingly to Thailand and Malaysia for work and are subsequently subjected to conditions of forced labor in the fishing, construction, and agricultural industries. Cambodian men and women repatriated from Malaysia report experiencing conditions of forced labor after migrating there for work with the assistance of Cambodian labor recruitment companies. Cambodian children are trafficked to Thailand and Vietnam to beg, sell candy or flowers, or shine shoes. Parents sometimes sell their children into involuntary servitude to serve as beggars, into brothels for commercial sexual exploitation, or into domestic servitude. Within Cambodia, children are trafficked for forced begging, waste scavenging, salt production, brick making, and quarrying.

In Cambodia, a significant proportion of female victims of trafficking for prostitution is ethnic Vietnamese, some of whom were born in Vietnam. Some Cambodian and ethnic Vietnamese women and girls are trafficked internally to areas in Phnom Penh, Siem Reap, and Sihanoukville for forced prostitution in brothels and karaoke bars. NGO and media reports indicated that internal sex trafficking of women and girls from ethnic minority groups and of ethnic Vietnamese is an increasing problem. The sale of virgin girls continues to be problematic in the country, with foreign (mostly Asian) and Cambodian men paying \$800 to \$4,000 to have sex with virgins. Cambodia is a destination country for foreign child sex tourists, with increasing reports of Asian men traveling to Cambodia in order to have sex with underage virgin girls. Some Cambodian women who migrated to Taiwan as a result of brokered international marriages may have been subsequently subjected to conditions of forced prostitution or forced labor.

The Government of Cambodia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these overall efforts, the government did not show evidence of progress in convicting and punishing human trafficking offenders (including complicit public officials) and protecting trafficking victims; therefore, Cambodia is placed on Tier 2 Watch List. After enactment of a law that included anti-trafficking provisions in February 2008, the government obtained the convictions of 12 trafficking offenders and initiated 71 trafficking prosecutions over the last year, a significant decrease from 52 convictions obtained during the previous reporting period. The government also failed to prosecute and convict officials involved in trafficking-related complicity, despite a high prevalence of trafficking-related corruption in Cambodia. Efforts to protect and assist victims did not improve during the reporting period, and victims continued to be detained and punished for acts committed as a direct result of being trafficked, including for prostitution. During 2008, there

were reports of prostituted women being detained and physically abused by police and Ministry of Social Affairs Veterans and Youth Rehabilitation (MOSAVY) officials.

Recommendations for Cambodia: Train law enforcement and other government officials to place greater emphasis on enforcing the human trafficking provisions in the February 2008 law; significantly improve the number of prosecutions, convictions, and punishments of trafficking offenders; substantially improve efforts to prosecute, convict, and criminally punish public officials complicit in trafficking; hold labor recruiting agencies criminally responsible for labor trafficking induced by fraudulent recruitment; improve interagency cooperation and collaboration, particularly between government officials and law enforcement officers working on trafficking; increase efforts to proactively identify victims of trafficking among vulnerable groups such as foreign women and children arrested for prostitution; institute procedures to ensure that victims are not arrested, incarcerated, or otherwise punished for acts committed as a direct result of being trafficked; and conduct a public awareness campaign aimed at reducing demand by the local population and Asian visitors for commercial sex acts.

Prosecution

The Government of Cambodia demonstrated uneven law enforcement efforts to combat trafficking during the last year. The February 2008 law on the Suppression of Human Trafficking and Commercial Sexual Exploitation covers a wide variety of offenses with 12 out of its 30 criminal articles explicitly addressing human trafficking offenses. Cambodian law prohibits all forms of trafficking and prescribes penalties that are sufficiently stringent and commensurate with penalties for other grave crimes, such as rape. Under the new law, the government initiated 71 prosecutions of human trafficking offenders during the reporting period. Because the new law covers a wide range of offenses, not all government officials have appeared to distinguish between the law's articles on trafficking offenses and non-trafficking crimes such as prostitution, pornography, and child sex abuse. As a result, law enforcement has focused on prostitution-related crimes, and many police, courts, and other government officials appear to believe that enforcing all prostitution articles of the law contributes to efforts to combat trafficking. Following the passage of the law, Cambodian police conducted numerous raids on brothels, and detained a large number of women in prostitution, while failing to arrest, investigate or charge any large number of persons for human trafficking offenses. Moreover, the detained females in prostitution may have included some trafficking victims, though police made few attempts to identify, assist, or protect them. The Phnom Penh Municipal Court handed down convictions of 11 trafficking offenders and initiated prosecutions of 22 offenders in 2008, compared to 52 convictions in 2007. During the reporting period, some Cambodian courts charged trafficking offenders with less serious offenses that carry shorter punishments. The Cambodian police reported that they arrested 41 trafficking perpetrators during the reporting period. However, police did not always follow through on NGO investigations into entertainment establishments in Phnom Penh, Siem Reap, and Sihanoukville allegedly involved in trafficking. Some observers continued to report the general inability of law enforcement and other government officials to act on trafficking leads. The Ministry of Interior provided training to some police officers on the new Law on the Suppression of Human Trafficking and Sexual Exploitation. There were reports of Cambodian migrant workers falling victim to trafficking due to the exploitative conditions in destination countries, such as Malaysia. The government did not report any prosecutions or convictions of labor recruitment companies that were allegedly involved in labor trafficking. From April 2008 to November 2008, the government banned all marriages of Cambodians to foreigners out of concern that some Cambodian women were vulnerable to trafficking, and subsequently implemented new regulations in an attempt to prevent trafficking through international

marriages.

Corruption is pervasive in Cambodia and it is widely believed that many individuals, including police and judicial officials, are both directly and indirectly involved in trafficking. Some local police and government officials are known to extort money or accept bribes from brothel owners, sometimes on a daily basis, in order to allow the brothels to continue operating. Citing a lack of evidence, the Phnom Penh Municipal Court in September 2008 dismissed the case of the former President of Cambodia's Appeals Court, who had been removed from her position in 2007 for reportedly accepting \$30,000 for the release of two brothel owners who had been previously convicted for trafficking offenses. The brothel owners were later re-arrested and remain in jail. The former Appeals Court President has since been appointed to a staff-level government position and remains under investigation. During the reporting period, two immigration police officers were removed from their positions for corruption and it remains unclear if they were allowed to assume other positions. There were no officials prosecuted or convicted for trafficking-related complicity.

Protection

The Government of Cambodia did not improve efforts to protect victims of trafficking during the reporting period. The government did not operate trafficking shelters or provide any specialized assistance to trafficking victims. The government continued to refer victims to NGO shelters, but did not itself offer further assistance. Vietnamese victims are the only known foreign victims in Cambodia, and they are provided temporary residence in NGO shelters with legal, educational, and counseling services while awaiting repatriation, although there are a limited number of NGO shelters with the ability to provide proper care for Vietnamese victims, due to a lack of foreign language capabilities. While some of the detained females in prostitution were assisted by NGOs, others were reportedly turned over by police to brothel owners or parents, and subsequently returned to brothels. There were also reports that some police officers and guards working at the two Ministry of Social Affairs Veterans and Youth Rehabilitation (MOSAVY) rehabilitation centers raped, beat, and extorted women rescued in the raids. The Law on the Suppression of Human Trafficking and Sexual Exploitation contains no provisions to protect trafficking victims in general. Victims were encouraged by police to participate in investigations and prosecutions of traffickers, though conditioning by brothel owners and pimps, as well as credible fears of retaliation from traffickers, and police corruption in some cases continue to hinder victim testimony. Police, court officials, and judges often failed to separate victims from perpetrators during raids, detention, and trials. Foreign pedophiles sometimes succeeded in paying off victims or their families to cease cooperation with law enforcement or NGOs. The government did not provide witness protection to victims, including those participating in the prosecution of their traffickers. In a Sihanoukville trafficking case, a suspected pedophile and his girlfriend (a suspected trafficker) were released from prison on bail, and subsequently threatened the families of the victims, and demanded the victims be returned to them. Although victims had the opportunity to file civil suits and seek legal action against their traffickers, most did not have the resources to do so. In 2008, MOSAVY placed 101 Cambodian victims who reportedly had been trafficked to Thailand at a jointly-operated MOSAVY-IOM Transit Center in Poipet. MOSAVY reported that a total of 505 victims of sex trafficking were referred to them by local police; according to UNIAP sources, many of these 505 individuals were women voluntarily in prostitution, and not trafficking victims.

Prevention

The Government of Cambodia demonstrated limited efforts to prevent trafficking over the last year. The government conducted some public awareness campaigns aimed at reducing

the significant demand for child prostitution generated by Cambodian and other Asian pedophiles. In March 2008, the National Task Force on trafficking launched a nationwide anti-trafficking campaign and a national dialogue on trafficking via public forums in five provinces across Cambodia that continued into July 2008. The forums also served to inform communities of the new Law on the Suppression of Human Trafficking and Commercial Sexual Exploitation, forms of trafficking, and new trafficking trends. The Ministry of Tourism continued collaboration with an NGO on advertisements in tourist brochures warning of the penalties for engaging in child sex tourism, and also continued to hold workshops for hospitality industry owners and staff on how to identify and intervene in cases of trafficking and commercial sexual exploitation of children by tourists. The government secured the convictions of six foreigners who sexually abused Cambodian children, though during the year, there were two reported cases of prison sentences of foreign pedophiles being suspended, including one Russian pedophile who fled the country while on bail after spending six months in pre-trail detention. Cambodian forces participating in peacekeeping initiatives abroad received training on trafficking in persons prior to deployment.

¶9. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined:

(1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 13. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

10. Posts should make sure that the relevant country narrative is readily available on or though the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: Why was Cambodia downgraded from Tier 2 to Tier 2 Watch List in the 2009 TIP Report?

A: Despite some efforts to combat trafficking, the government did not show evidence of progress in convicting and punishing human trafficking offenders (including complicit public officials) and protecting trafficking victims. The Phnom Penh Municipal Court convicted 11 trafficking offenders and initiated prosecutions of 22 offenders in 2008, compared to 52 convictions in 2007. The government did not report any prosecutions or convictions of labor recruitment companies that were allegedly involved in labor trafficking. There were no officials prosecuted or convicted for trafficking-related complicity. Efforts to protect and assist victims did not improve during the reporting period, and victims continued to be detained and punished for acts committed as a direct result of being trafficked, including for prostitution.

Q2: What progress has Cambodia made in the past year?

A: The government conducted some public awareness campaigns aimed at reducing the significant demand for child prostitution generated by Cambodian and other Asian pedophiles. In March 2008, The National Task Force on trafficking launched a nationwide anti-trafficking campaign and a national dialogue on trafficking via public forums in five provinces across Cambodia that continued into July 2008. The Ministry of Tourism (MOT) continued collaboration with an NGO on advertisements in tourist brochures warning of the penalties for engaging in child sex tourism, and also continued to hold workshops for hospitality industry owners and staff on how to identify and intervene in cases of trafficking and commercial sexual exploitation of children by tourists.

Q3: What efforts could Cambodia make to improve its fight against trafficking in persons?

A: The Government of Cambodia could: train law enforcement and other government officials to place greater emphasis on enforcing the human trafficking provisions in the February 2008 law; significantly improve the number of prosecutions, convictions, and punishments of trafficking offenders, particularly those in organized crime; substantially improve efforts to prosecute, convict, and criminally punish public officials complicit in trafficking; hold labor recruiting agencies criminally responsible for labor trafficking induced by fraudulent recruitment; improve interagency cooperation and collaboration, particularly between government officials and law enforcement officers working on trafficking; increase efforts to proactively identify victims of trafficking among vulnerable groups such as foreign women and children arrested for prostitution; institute procedures to ensure that victims are not arrested, incarcerated, or otherwise punished for acts committed as a direct result of being trafficked; and conduct a public awareness campaign aimed at reducing demand by the local population and Asian visitors for commercial sex acts.

¶12. The Department appreciates posts, assistance with the preceding action requests.

CLINTON